

**CITY OF  
GLOUCESTER  
CONSERVATION COMMISSION  
MINUTES**

**WEDNESDAY, August 3, 2016 – 6:30 PM**

**City Hall, 2<sup>nd</sup> Floor, Kyrouz**

**Auditorium Robert Gulla Chair**

Members Present: Robert Gulla, Chair, Ann Jo Jackson, Co-Chair, Helene Kwasié, Bill Cook, John Feener, Linda Charpentier, Barry Gradwohl- [absent](#),

Staff: Ken Whittaker, Agent

**I. ADMINISTRATIVE BRIEFING**

15 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions, etc.

- A. NOI: 932 Washington Street #28-2472 (Map 139, Lot 2)** Submitted by Charter Contracting Co. LLC to prepare/restore area for bulk transfer and storage of harbor remediation materials- **withdrawn by Applicant**

**Motion to accept the withdrawal of NOI: 932 Washington Street #28-2472 (Map 139, Lot 2) without prejudice was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

- B. NOI: 6 Seaview Road #282466 (Map 75, Lot 52)** Submitted by Erik Anderson to replace septic system in buffer zone.

**Dan Johnson**

**Mr. Johnson** reported that at the last meeting the Commission asked for a planting plan. It has been submitted as part of the application. Discussion ensued and it was agreed planting plan was adequate to satisfy Commission concerns.

**Motion to approve the NOI for 6 Seaview Road #282466 (Map 75, Lot 52) was made by Ms. Charpentier, seconded by Ms. Jackson and unanimously approved.**

**Mr. Gulla** recused himself.

- C. 16 Fuller Street RDA 1490** - Agent/Applicant presentation regarding limits of approved scope of work

Mr. Whittaker stated after visiting the site the scope of work being done appeared to exceed the approved RDA. A decision to expand the scope was made in the field without the Commission being notified. The landscaper disagreed and agreed speak to the Commission. The work was allowed to move forward because Mr. Whittaker determined that a cease and desist order would not benefit the site.

**Doug Cook- Land Design**

Mr. Cook stated that there was a disagreement on what was presented and done. Although the wall was to be done first, he stated it was not possible to get to the wall without removing the invasives. The Commission wasn't notified because nothing was being done that wasn't already approved. Mr. Cook reported that the wall will be done by week's end and planting will be completed as weather permits. Mr. Cook was allowed to continue the work with a warning to keep the Commission better informed of his actions at the site.

Rob Gulla rejoined the commission.

II. PUBLIC COMMENT- None

III. Block 1: Continued Projects

**A. NOI: 337 Concord Street #282446 (Map 240, Lot 1)** Submitted by Jeffrey Roberts to construct playing field, driveway, septic system and plantings in ACEC buffer zone - **Applicant requests continuation to August 17, 2016.**

**Motion to continue NOI 337 Concord Street #282446 (Map 240, Lot 1) to August 17, 2016 was made by Ms. Kwasie, seconded by Mr. Cook and unanimously approved.**

**B. NOI: 125 Wingaersheek Road #28-2471 (Map 260, Lot 5)** Submitted by Lawrence Costa to remove and replace home and septic system in coastal buffer zone. **Applicant requests continuation to August 17, 2016.**

**Motion to continue NOI 125 Wingaersheek Road #28-2471 (Map 260, Lot 5) to August 17, 2016 was made by Ms. Charpentier, seconded by Mr. Feener and unanimously approved.**

**C. ANRAD: 30, 48 and 50 Atlantic Avenue #282413 (Map 257, Lots 167, 202 and 201)** Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland – **continuing discussion of third party review.**

Mr. Whittaker reported that a civil engineer has been retained and a wetland scientist will be looking at the site. Final arrangements for getting proposals to commence work, by and at the cost of the Applicant, was anticipated in the near future.

**Public Comment:**

**Elizabeth Bayle 3 Atlantic Ave.**

Ms. Bayle asked if abutters could get copies of all reports.

**Motion to continue ANRAD 30, 48 and 50 Atlantic Avenue #282413 (Map 257, Lots 167, 202 and 201) to September 2, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasie and unanimously approved.**

**D. NOI: 51A River Road # 282453 (Map 118, Lot 71)** Submitted by Paul Hackett to construct concrete pad/install seasonal ramp and float.

**Attorney Chip Nysten**

**Attorney Nysten** addressed the question regarding to the ownership of the parcel. Letters were reviewed and a letter was sent to Commission in response. In addition, proposed design changes have been made. The concrete pad that the ramp will be tied to has been lowered to remove damage from "tripping" at the edge. Attorney Nysten stressed that the Conservation Commission should not get involved in ownership questions and that by granting an Order of Conditions the Commission does not confirm property rights. A title examination was provided and according to Attorney Nysten, rights of the 16.5 foot right of way owned by the parties are established. An allegation by an abutter has been made that the area of the proposed dock and float is too crowded and would interfere with their dock and boats. Attorney Nysten countered that there was plenty of space according with the Chapter 91 license, as the dock of the abutter is currently in the wrong place which contributes to the crowding complaint. Applicant agrees that only a kayak will be put on the float and not a power boat.

**Public comment:**

**Mathew Lundberg**

**Mr. Lundberg** stated that was against the project; there are legal issues that need to be resolved and asked the Commission to wait until that is done.

**Motion to approve NOI 51A River Road # 282453 (Map 118, Lot 71) with the conditions from the Shellfish warden and DMF to be adhered to was made by Mr. Feener, seconded by Ms. Charpentier and unanimously approved. Ms. Jackson abstained.**

**E. NOI: 44 Rowley Shore #282457 (Map 142, Lot 37)** Submitted by Glenn & Faith Parker to deconstruct/reconstruct home & build garage in coastal bank buffer zone.

**Bill Manuell, Wetlands and Land Management**

**Mr. Manuell** reported that the revised plans have been submitted and the math for the impervious had been corrected. There is 2½ times of mitigation and extensive infiltration capacity/structures have been provided. Final design plans were submitted for review and approval.

**Public comment: None**

**Motion to approve NOI 44 Rowley Shore #282457 (Map 142, Lot 37) was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

**Mr. Gulla** recused himself.

**F. NOI: 5 Lupine Lane #28-2467 (Map 108, Lot 16)** – Submitted by Brier Development LLC for invasive species removal and replanting program.

**John Judd Gateway Consultants**

**Mr. Judd** stated that a site walk was held and the proposed arborist Kevin Winters reviewed a proposed plan identifying both a suggested invasive tree and shrub removal process (including limitations on removal of heavy tree canopy) and a replanting plan. The Notice of Intent was approved contingent on strict conformance to the approved plan attached to the Notice of Intent.

**Public comment: None**

**Motion to approve NOI 5 Lupine Lane #28-2467 (Map 108, Lot 16) was made by Mr. Cook, seconded by Ms. Charpentier and unanimously approved.**

**Mr. Gulla** rejoined the commission.

**G. Request to Amend NOI: 124 Wheeler Street #282441 (Map 99, Lot 43)**  
Submitted by Stephen Arena request to raise approved single family home in in Riverfront area

**John Judd, Gateway Consultants.**

**Mr. Judd** explained that the project was previously approved but there are two modifications. Bill Sanborn could not issue the building permit for the new work because the house is in a flood zone, and therefore new construction requires the house to be brought up two feet. The Applicant is asking for an increase of 4 feet.

**Public comment:**

**Attorney Mike Faherty**

**Attorney Faherty** questioned a procedural matter of the Commission. He stated that according to regulations all other obtainable permits must be issued before a Notice of Intent can be pursued. He asked why the application is in front of the Commission without getting a permit from the Board of Appeal or perhaps other local government bodies. He stated that his client had no objection to the two foot high increase but does object to a four foot height increase. He alleged the higher elevation will cast greater shadows on the wetland resource.

When questioned about Riverfront Area consideration, **Mr. Judd** stated an alternative analysis was presented initially and that this is an amendment to a previous Notice of Intent.

**Mr. Gulla** questioned whether the Commission has to have other permits in place before a Notice of Intent can be reviewed and agreed to consider this further.

The Commission discussed FEMA standards stating what the repercussions would be to the environment by raising the building 2 feet or 4 feet.

**Steve Arena**, 124 Wheeler Street, Applicant

**Mr. Arena** stated that the building inspector instructed him to lift the house for a permit to engage in extensive renovation.

**Mr. Whittaker** stated that because the extent of proposed renovation is so large, the project is regarded as new construction and the house has to be lifted up to meet floodplain standards.

**Mr. Gulla** stated the Commission will ask at a minimum for the minimum requirement for the elevation.

**Ms. Jackson** stated she would like to review any potential shading issues before moving forward in considering whether the 4 foot rather than the 2 foot elevation rise is acceptable.

**Motion to continue Request to Amend NOI 124 Wheeler Street #282441 (Map 99, Lot 43) to August 17, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasie and unanimously approved.**

- H. RDA 1495: 246 Western Avenue (Map 204, Lot 26)** – Submitted by Mark Dobson for invasive species removal and replanting in buffer zone. Members of the Commission requested a site visit to the property before further consideration.

**Motion to continue RDA 1495 246 Western Avenue (Map 204, Lot 26) to August 17, 2016 was made by Ms. Charpentier, seconded by Ms. Kwasie and unanimously approved.**

- I. RDA 1496: 10 Bass Avenue (Map 50, Lot 28)** – Submitted by Anthony Bunker to create tree/vegetable/flower garden in open field buffer zone.

**Anthony Bunker 10 Bass Ave**

**Mr. Bunker** stated the application includes rock removal that is close to the house. A post and rail fence will be installed.

**Mr. Gulla** requested that signs to be placed to mark a “no-disturb” boundary adjacent to the wetlands.

**Public comment:**

**Rob Sinco**, 20 Bass Ave

**Mr. Sinco** stated he was in favor of the project.

**Motion for a negative determination for RDA 1496 10 Bass Avenue (Map 50, Lot 28) was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

**V. Block II: New Projects**

**A. NOI: 4 Rocky Neck Avenue #28-2474. (Map 131, Lot 22)** Submitted by Patricia Conant request to raze and rebuild house in same footprint at 4 Rocky Neck Avenue.

**Jerry MacDonald, Danvers**

Mr. MacDonald stated that the house will be on concrete piers on the same footprint. It was noted that the project will have little if any additional impact on the area. Members of the Commission stated that Request for Determination conditions should include "standard" construction/demolition controls to minimize risk to nearby shoreline.

Public Comment: None

**Motion to approve NOI 4 Rocky Neck Avenue #28-2474 (Map 131, Lot 22) was made by Ms. Kwasie, seconded by Ms. Charpentier and unanimously approved.**

**B. NOI: 23 Harbor Loop #28-2473. (Map 9, Lot 17)** Submitted by Gloucester Maritime Heritage Center to install an engineered sediment cap at 23 Harbor Loop.

**Tom Balf, 15 Briarwood Court, Gloucester**

**Mr. Balf** reported that National Grid is working on the property at this time and is dredging very large quantities of contaminated material from the harbor bottom. A small portion (150 square feet) near the shoreline area of Gloucester Marine is not in the dredge area to be addressed by National Grid. Gloucester Maritime would like to remove this material on their property. A sediment cap will be installed. A Chapter 91 has been received to do the work.

**Public comment: None**

**Motion to approve NOI 23 Harbor Loop #28-2473 (Map 9, Lot 17) was made by Ms. Jackson, seconded by Ms. Charpentier and unanimously approved.**

**VI. CERTIFICATES OF COMPLIANCE**

**28-2400 – 6 Samuel Riggs Circle  
28-2102 – 101R Riverview Road  
28-1948 – 6 Rocky Neck Avenue  
28-2111 – 23R River Road**

**Motion to approve the Certificates of Compliance for 28-2400 – 6 Samuel Riggs Circle, 28-2102 – 101R Riverview Road, 28-1948 – 6 Rocky Neck Avenue, 28-2111 – 23R River Road was made by Ms.Kwasie, seconded by Ms. Charpentier and unanimously approved.**

**Motion to adjourn the meeting unanimously approved at 9:35 P.M.**